

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JOSE BAUDILO GASTELUM,  
  
Defendant.

Criminal Case No. 08cr2032 JLS  
8509-JLS

STIPULATION AND MOTION FOR  
RELEASE OF MATERIAL WITNESSES  
ERNESTO MARTINEZ-MOSQUEDA  
and JOSE TOLEDO-CORRALES  
AND ORDER THEREON

IT IS HEREBY STIPULATED AND AGREED between the plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and Charlotte Kaiser, Assistant United States Attorney, and defendant JOSE BAUDILO GASTELUM, by and through his counsel, Attorney Robert Rexrode, that:

1. The depositions of the material witnesses were completed on August 12, 2008.
2. The material witnesses were served with parole letters and subpoena for their appearance at trial on a date to be determined, copies of which were marked as 10, 11, 12, 13 and 14; and 15-19, Governments Deposition Exhibits ~~1, 2, and 3~~, to said depositions.
3. There are no objections to the release and remand of said witnesses to the Department of Homeland Security for her return to their country of origin.
4. By signing this stipulation and motion, defendant certifies that defendant has read it (or that it has been read to defendant in defendant's native language). Defendant certifies further that defendant has discussed this stipulation and motion with defense counsel and fully understands its meaning and effect.

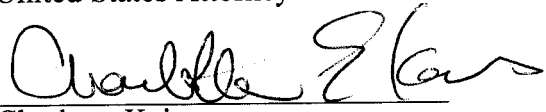
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1 Based on the foregoing, the parties herein move for the immediate release and remand of the  
2 above-named material witnesses to the Department of Homeland Security for their return to  
3 their country of origin.

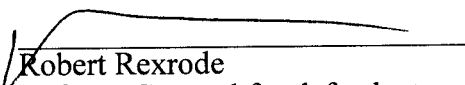
4 It is STIPULATED AND AGREED this date.

5 KAREN P. HEWITT  
United States Attorney

6  
7 Dated: 8/12/08.

  
Charlotte Kaiser  
Assistant United States Attorney

8  
9 Dated: 8/12/08.

  
Robert Rexrode  
Defense Counsel for defendant  
JOSE BAUDILO GASTELUM

10  
11  
12 Dated: \_\_\_\_\_.

JOSE BAUDILO GASTELUM  
Defendant

13  
14  
15 ORDER

16 Upon joint application and motion of the parties, and for good cause shown,

17 IT IS ORDERED that material witnesses Ernesto Martinez-Mosqueda and Jose  
18 Alberto Toledo-Corrales be released and remanded forthwith to the Department of Homeland  
19 Security for their return to their country of origin.

20  
21 Dated: 8/12/08

  
HONORABLE JANIS L. SAMMARTINO  
U. S. DISTRICT COURT JUDGE